

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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SECURITIES AND EXCHANGE	:	
COMMISSION,	:	
	:	
Plaintiff,	:	Civil Action
	:	No. 05-11805-NMG
v.	:	
	:	<b>ORAL ARGUMENT</b>
RICHARD F. SELDEN,	:	<b><u>REQUESTED</u></b>
	:	
Defendant.	:	
----- X		

**DEFENDANT’S MOTION TO COMPEL  
ONE DEPOSITION FROM THE PLAINTIFF**

Pursuant to Fed. R. Civ. P. 1, 26, 30 and 37, and the Local Rules of this Court, defendant Richard F. Selden (“Dr. Selden”), by his undersigned counsel, respectfully moves to compel plaintiff Securities and Exchange Commission (“SEC”) to produce a Rule 30(b)(6) witness for deposition by Dr. Selden on two topics:

1. Overview of SEC/FDA coordination as it relates to this case including confirmation of materials provided by FDA to SEC.
2. SEC guidance made available to issuers regarding disclosure of status of INDs/NDAs/BLAs with FDA/CBER/CDER.

The grounds for this motion are set forth in the accompanying memorandum of law, submitted herewith.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(D), Dr. Selden respectfully requests a hearing on this motion.

**CERTIFICATION UNDER LOCAL RULES 7.1(A)(2) AND 37.1**

The undersigned hereby certifies that counsel for Dr. Selden has conferred with counsel for the SEC in a good faith effort to narrow the issues on this motion and has complied with Local Rules 7.1(A)(2) and 37.1.

Dated: May 17, 2007

/s/ Justin J. Daniels

Justin J. Daniels

Dated: May 17, 2007  
Boston, Massachusetts

Respectfully submitted,

/s/ Thomas J. Dougherty

Thomas J. Dougherty (BBO #132300)

Justin J. Daniels (BBO #656118)

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Counsel for Defendant

Richard F. Selden

**CERTIFICATE OF SERVICE**

I, Justin J. Daniels, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 17, 2007.

Dated: May 17, 2007

/s/ Justin J. Daniels

Justin J. Daniels